

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIAMS, SCOTT & ASSOCIATES,
JOHN T. WILLIAMS,

Case No. 3:20-cv-00058-MMD-WGC

ORDER

v

Plaintiffs,

UNITED STATES OF AMERICA,

Defendant.

UNITED STATES OF AMERICA,
Defendant.

Plaintiffs Williams, Scott & Associates and John T. Williams purportedly brings this action under the Federal Torts Claims Act (“FTCA”) (ECF No. 1-1). Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge William G. Cobb, concerning the application to proceed *in forma pauperis* (“IFP Application”) (ECF No. 1), *pro se* complaint (“Complaint”) (ECF No. 1-1), and motion to appoint counsel (ECF No. 3). (ECF No. 4.) Any objection to the R&R was due by April 7, 2020, but none has been filed. The Court will accept the R&R in full.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

The Court finds it unnecessary to engage in de novo review to determine whether to adopt Judge Cobb’s R&R and is satisfied that there is no clear error. Here, Judge Cobb recommends dismissing Plaintiffs’ Complaint for: (1) lack of personal jurisdiction over Defendants—revealed in the body of the Complaint as more than the captioned Defendant United States of America (ECF No. 1-1 at 19–24); (2) improper venue; and (3) failure to state a claim under the FTCA. (ECF No. 4 at 2–3.) Judge Cobb further recommends dismissing the case without prejudice and denying the IFP Application and other pending motion as moot. (*Id.* at 3–4.) Having reviewed the Complaint, the Court agrees with Judge Cobb’s recommendations and will therefore adopt the R&R in full.

It is therefore ordered, adjudged and decreed that the Report and Recommendation of Magistrate Judge William G. Cobb (ECF No. 4) is accepted and adopted in its entirety.

It is further ordered that the Complaint is dismissed without prejudice.

It is further ordered that the IFP Application (ECF No. 1) and pending motion to appoint counsel (ECF No. 3) are denied as moot.

It is further ordered that the Clerk enter judgment accordingly and close this case.

DATED THIS 9th day of April 2020.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE